

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTOINE McKAY,

Petitioner,

Civil No. 2:08-CV-11046

v.

HONORABLE STEPHEN J. MURPHY, III

JERI-ANN SHERRY,

Respondent,

_____ /

**ORDER GRANTING PETITIONER'S MOTION FOR AN EXTENSION OF TIME TO
FILE TRAVERSE OR REPLY BRIEF TO THE RESPONDENT'S ANSWER (D/E 24)**

Before the Court is Mr. McKay's motion for leave to amend his pleadings, which in actuality, appears to be a request for an extension of time to file an additional reply to the respondent's answer.

The Court will give Mr. McKay sixty days from the date of this order to file a "traverse" or reply brief to the respondent's answer. Rule 5(e) of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254 states that a habeas petitioner "may submit a reply to the respondent's answer or other pleading within a time fixed by the judge." See *Baysdell v. Howes*, No. 04-73293, 2005 WL 1838443, * 4 (E.D. Mich. August 1, 2005).

IT IS HEREBY ORDERED that Petitioner's motion for an extension of time (docket no. 24) is **GRANTED** and Petitioner shall have **sixty days** from the date of this order to file a traverse or reply brief.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: September 11, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 11, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager